

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BECKY S. WAKEHOUSE, Personal
Representative of, the Widow and next
of kin of Decedent and Administratrix of
the estate of,

Plaintiff,

v.

GOODYEAR TIRE & RUBBER
COMPANY, a corporation,
CATERPILLAR, Inc, a corporation,
TITAN INTERNATIONAL, a
corporation, TITAN WHEEL
CORPORATION OF VIRGINIA, a
corporation, TITAN WHEEL,
Corporation, a corporation, and TITAN
WHEEL CORPORATION OF ILLINOIS,
a corporation,

Defendants.

8:05CV422

ORDER

This matter is before the court on plaintiff's motion to extend, Filing No. 189. Plaintiff seeks an extension of time in which to respond to defendants' motions for summary judgment, Filing No. Nos. 121 and 125. In a previous order, the final progression order was amended as follows:

If necessary to refute the disclosed opinions of an expert witness of an opponent, a party may disclose additional expert witnesses not later than December 22, 2006, provided that the disclosing party then provides all of the information described in Fed. R. Civ. P. Rule 26(a)(2) and makes the expert witness available for deposition prior to the date set for completion of depositions.

Filing No. 116. Plaintiff was granted an extension of time to February 5, 2007 in which to respond to the motions, based on the fact that experts were to be deposed, with the

parties' consent, in January 2007. Plaintiff asserts that she has been unable to depose Titan's expert and also asserts that a motion to compel production of documents remains pending. Defendant Goodyear opposes the motion.

On review of the submissions of the parties, the court finds that a short extension of time is not unreasonable in view of the extensions of time to designate and depose experts. The extension of plaintiff's summary judgment response time will necessitate a corresponding adjustment of the progression of the case. Accordingly,

1. Plaintiff's motion to extend is granted;
2. Plaintiff shall respond to defendants' motions on or before April 9, 2007; and
3. The matter is referred to Magistrate Judge Thalken for issuance of an amended order of progression.

DATED this 8th day of February, 2007.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge